

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EUGENE CAIN,	)	
	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 05-1544
	)	Judge Thomas M. Hardiman/
MEDICAID DEPARTMENT,	)	Magistrate Judge Amy Reynolds Hay
Allegheny County,	)	
	)	
Defendant	)	

**ORDER**

AND NOW, this 3<sup>rd</sup> day of April, 2006, after the plaintiff,

Eugene Cain, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the complaint is dismissed for failure to prosecute;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



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THOMAS M. HARDIMAN  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Eugene Cain  
FZ-4226  
SCI Coal Township  
1 Kelley Drive  
Coal Township, PA 15866